MARSHALL CORPORATIONS § 454. MORAWETZ CORPORATIONS § 75. This doctrine seems to have had its beginning in *Turnbull* v. *Payson,* 95 U. S. 418. The cases cited in that decision to establish this point with the one exception of *Hoagland* v. *Bell,* 36 Barb. 57 are not in point. This latter decision was not by a court of last resort and in the opinion no cases are cited nor reasons assigned. In *Mudgett* v. *Horrell,* 33 Calif. 25, cited in the above case, the exact opposite was held. *Carey* v. *Williams,* 79 Fed. 906, holds that the books of a corporation are not prima facie evidence to prove a person is a stockholder. This case discusses *Turnbull* v. *Payson,* supra, the leading case for the opposite view and declines to consider it as authority. Since *Turnbull* v. *Payson* there have been any number of cases decided following that view. *Glenn* v. *Orr,* 96 N. C. 413; *R. R.* v. *Applegate,* 21 W. Va. 172; *Torras* v. *Raeburn,* 108 Ga. 345. Regardless of the weight of authority, which seems to be with the opposing view, it is believed that the main case states the better doctrine. The opposite view is rather a violent infraction of the recognized rule that a party shall not be allowed to make evidence for himself.

HUSBAND AND WIFE—SEPARATE MAINTENANCE—ACTION IN EQUITY—JUDGMENT FOR GROSS SUM.—Action by wife in equity for separate maintenance but no divorce was sought. *Held,* (1) that a court of equity has inherent jurisdiction in the absence of statute to decree separate maintenance, (2) that a judgment for a gross sum and execution thereon is error. *Chapman* v. *Chapman* (1905), — Neb. —, 104 N. W. Rep. 880.

It is the apparent weight of authority in this country that in the absence of legislation to the contrary, alimony should not be allowed in an independent suit in a court of equity. *Chestnut* v. *Chestnut,* 77 Ill. 346; *Atwater* v. *Atwater,* 53 Barb. (N. Y.) 621; *Harrington* v. *Harrington,* 10 Vt. 505. In many of the states alimony may be decreed independently of any proceeding for separation or divorce where the husband refuses to support his wife or where she has separated from him with good cause, on the ground that in the absence of adequate relief or remedy at law equity will interfere. *Graves* v. *Graves,* 50 Oh. St. 196; *Cochran* v. *Cochran,* 42 Neb. 612, 60 N. W. Rep. 942; *Tolman* v. *Tolman,* 1 App. Cas. (D. C.) 299. It had been the established rule in Nebraska that in suits for separate maintenance a judgment for a gross sum in lieu of periodic payments was the only proper procedure. *Cochran* v. *Cochran,* supra; *McGechie* v. *McGechie,* 43 Neb. 523, 61 N. W. Rep. 692. The decision in the principal case, disapproving the former holdings in Nebraska is in line with the overwhelming weight of authority. *Ross* v. *Ross,* 78 Ill. 402; *Crain* v. *Cavana,* 62 Barb. (N. Y.) 109; *Bacon* v. *Bacon,* 43 Wis. 197. This would seem to be the only proper rule since the husband is still liable for the wife's support should she waste the gross sum decreed. A decree of a sum in gross would have a tendency to discourage the resumption of marital relations which it is the interest of public policy to promote. Alimony properly speaking is a periodical allowance for the wife's support when she has separated from her husband, and accordingly it is the rule that in the absence of statutory authorization or agreement of the parties, the Court may not decree alimony in gross or special property therefor. *Ross* v. *Ross,* supra.